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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/630,534	08/03/2000	Michael Kahn	MATP-598US	9590
23122	7590	01/14/2004	EXAMINER	
RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980			HUYNH, SON P	
			ART UNIT	PAPER NUMBER
			2611	6

DATE MAILED: 01/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/630,534

Applicant(s)

KAHN, MICHAEL

Examiner

Son P Huynh

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 10/16/2003 have been fully considered but they are not persuasive.

Applicant argues Boyer does not teach or suggest of the incremental time index of claim. Applicant also argues the time index of the present invention is nowhere taught of even suggested by any of the art of record. Examiner respectfully disagrees.

Boyer discloses time page 218 that displays program listing information according to the selected period of time (day of month of particular portion of day). User also uses cursors 222 and 224 to navigate to earlier or later time periods (figure 16 and paragraph 0102+). Therefore, the icons indicate portion time of day or day of month or time on the time axis read on the time index. Boyer further discloses cursors 222 and 224 are used to navigate to earlier or later time periods, respectively (paragraph 0103 +). Boyer also discloses when a channel 248 is selected, the user is presented with channel program list page 250 (figure 18). In channel program list page 250, program listing 252 for the selected channel may be arranged in time order, beginning with the current time. If program in program listing 252 extend into the next day, the programs may be separated by date separation bar 254 (paragraph 0118). Up/down arrows on the right are used to navigate earlier or later time periods respectively (figure 18). Thus, Boyer teaches incremental time index.

Furthermore, Applicant argues Lemmons does not disclose accessing the program guide information at a predetermined time interval from the transmission time displayed on the display. Applicant also argues none of the art of record teach or even suggest accessing program guide information at predetermined time intervals.

In response, Lemmons discloses when viewer selects the Prime Time navigation point from the quickmenu 116 (figure 3), the program guide screen 100 is displayed as appears it appears in figure 5 (col. 11, line 26+). Thus, Lemmons teaches accessing program guide information at predetermined time intervals (day of month or intervals time of day). Lemmons further discloses cursors 132 is used to navigate later time periods program listing (figure 4). To select a new date, the viewer uses the Left and Right Arrow keys on the remote control to move the cursor from one calendar cell to the next, the user can select the highlighted icon to display program listing associated with the selected icon (col. 16, line 10+). Therefore, Lemmons teaches accessing the program guide information at a predetermined time interval from the transmission time displayed on the display (display program guide information at a selected time interval such as day of month of time intervals of day).

For the reasons given above, the rejections of the previous Office Action are maintained and made final as repeated below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Boyer et al. (US 2003/0066085).

Regarding claim 1, Boyer teaches an apparatus for displaying program guide information on a grid showing a channel axis and a time axis, with each program positioned at a location in the grid representing a channel of transmission and a corresponding time of transmission, a method for rapidly accessing the program guide information at a desired new time of transmission comprising displaying a program guide with a calendar on the screen, the user then selects day to view 232 and time of day 230 on the calendar to display the program guide information correspond to the

Art Unit: 2611

selected day and time to view (see figure 16). Thus, Boyer teaches the method comprising:

displaying the program guide information (time page 218);

placing at least one time selection field on the display (230, 232 or time axis- figures 16, 18);

highlighting with a cursor the at least one time selection field (highlight day to view on calendar 232 and time of day on 230)

activating the at least one time selection field after the highlighting step (user activate an specific day on the calendar). In addition, Boyer discloses after the user selects a desired day and time to view on the calendar, the new program guide is displayed correspond to the selected day and time to view (see paragraphs 0102-0103). The cursors 222 and 224 are used to navigate to earlier or later time periods, respectively (paragraph 0103 +). Boyer also discloses when a channel 248 is selected, the user is presented with channel program list page 250 (figure 18). In channel program list page 250, program-listing 252 for the selected channel may be arranged in time order, beginning with the current time. If program in program listing 252 extend into the next day, the programs may be separated by date separation bar 254 (paragraph 0118).

Up/down arrows on the right are used to navigate earlier or later time periods respectively (figure 18). Inherently, the method comprising:

determining an incremental time index in response to the activating step;

calculating a new time of transmission for display based on the incremental time index;

displaying the program guide information at the new time transmission.

Regarding claim 4, Boyer discloses the programs in program guide listing 220 may be listed beginning with programs that are currently being broadcast. If desired, the closest time slot to the current time may be displayed (see paragraph 0102+). Inherently, Boyer teaches displaying the program guide information at current time of transmission, if the calculated new time of transmission is earlier than the current time of transmission.

Regarding claim 5, Boyer teaches displaying the program guide information at a latest time of transmission, if the calculated new time of transmission is later than the latest time of transmission, the latest time of transmission corresponding to the latest program guide information stored in the apparatus (display only program guide available in memory- see paragraph 0052, line 9+ and day 7th to 21st in figure 16+).

Regarding claim 6, Boyer teaches the apparatus is implement in a set top box 50 (see figure 1).

Regarding claim 7, Boyer teaches the apparatus includes a computer 40 or 46 coupled on a network for receiving program guide information from the network (see figure 1).

4. Claims 8, 10-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Lemmons et al. (US 5,880,768).

Regarding claim 8, Lemmons discloses when viewer selects the Prime Time navigation point from the quickmenu 116 (figure 3), the program guide screen 100 is displayed as appears it appears in figure 5 (col. 11, line 26+). Lemmons further discloses cursors 132 is used to navigate later time periods program listing (figure 4). To select a new date, the viewer uses the Left and Right Arrow keys on the remote control to move the cursor from one calendar cell to the next, the user can select the highlighted icon to display program listing associated with the selected icon (col. 16, line 10+). Therefore, Lemmons teaches an apparatus for displaying program guide information on a grid 112 showing a channel axis 108 and a time axis 102, with each program positioned at a location in the grid representing a channel of transmission and a corresponding time of transmission, the apparatus comprising:

- a display 84 for displaying the program guide information (see figures 2-3);

- a memory device 76 for storing the program guide information (see figure 2 and col. 8, lines 60-61);

- a processor (control unit 74) for processing software for accessing the program guide information (see col. 7, line 10+ and figure 2), the software including:

 - at least one time selection field (day to view screen 300 in figure 8) for accessing the program guide information at a predetermined time interval from the transmission time display on the display (day to view and time to view);

 - a time index provided in response to the at least one time selection field for determining the predetermined time interval; and a calculator for calculating a new time of transmission for display based on the time index (user highlights day and time to view

Art Unit: 2611

and then selects "select icon" to display new program guide information, the new program guide information correspond to the selected day a time- see figures 3, 8, 22).

Regarding claim 10, Lemmons teaches the at least one time selection field includes a day field (306, 308, etc.), and the time index is adapted to provide a 24-hour time index when the day field is selected (see figure 8);

Regarding claim 11, Lemmons teaches the at least one time selection field includes a data field (Sun, Mon, etc.), and the time index is adapted to provide a seven day time index when the date field is selected (user can selects day 2, 9, 16, 23 on Sunday column when the program guide information is provided for these days- see figure 8, and col. 16, lines 50-64).

Regarding claim 12, Lemmons teaches the time index includes indexing the at least one time selection field forward in time and backwards in time (see figures 3, 8 and col. 16, line 65+).

Regarding claim 13, Lemmons teaches the calculator limits the program guide information at current time of transmission, if the calculated new time of transmission is earlier than the current time of transmission (the memory 76 preferably stores program schedule information for seven days starting with the current date (for example,

Art Unit: 2611

February 9-15) and only program information correspond to these days are displayed (see col. 16, line 44+ and figure 16).

Regarding claim 14, Lemmons teaches the calculator limits displaying the program guide information at a latest time of transmission (Feb 15), if the calculated new time of transmission is later than the latest time of transmission, the latest time of transmission corresponding to the latest program guide information stored in the memory device 76 (see figures 2, 16).

Regarding claim 15, Lemmons teaches the apparatus is a set top box 70 (see figure 2, and col. 7, line 10+).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyer et al. (US 2003/0066085).

Regarding claim 2, Boyer teaches a method as discussed in the rejection of claim 1.

Boyer further discloses the at least one time selection field includes one of a page field (user selects early, morning, mid-day, etc. icons to display different page of the program guide- see figure 16), a day field and a date field (day and date on calendar); and the day field is adapted to provide a 24 hour time index (8th, 9th, etc.), and the date field is adapted to provided a seven day time index (8th, 15th, etc.) and the page field is adapted to provide a 6 particular time of a day (early, morning, mid-day, afternoon, prime time, latenite- see figure 16). It would have been obvious to one of ordinary skill in the art that the page field is adapted to provide a six-hour time index in order to achieve technical design of the page.

Regarding claim 3, Boyer teaches in view of a well-known technique teaches a method as discussed in the rejection of claim 2. Boyer further teaches activating the at least one time selection field to index forward in time and backwards in time (user uses the forward and backward keys on the remote control to move to a later day or previous day or the highlighted day on the calendar 232- see figure 16).

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmons et al. (US 5,880,768).

Regarding claim 9, Lemmons teaches an apparatus as discussed in the rejection of claim 8. Lemmons further discloses the page forward and page backward keys are also

used for navigating in the program guide display mode (see col. 11, line 8+) and the time to view 304 includes 6 different icons (early, morning, mid-day, afternoon, prime time, latenite) User select particular icon to display program guide information correspond to the selected icon (see figure 8). Thus, each icon read on a page as claimed. It would have been obvious to one of ordinary skill in the art that the page field is adapted to provide a six-hour time index in order to achieve technical design of the page.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Alexander et al. (US 6,177,931) teaches system and methods for displaying and recording control interface with television program, video, advertising information and program scheduling information.

Knudson et al. (US 6,526,577) teaches enhanced interactive program guide.

Youman et al. (US 5,629,733) teaches electronic television program guide schedule system and method with display and search program listings by title.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

12. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-306-0377.

Son P. Huynh
December 30, 2003



VIVEK SRIVASTAVA
PRIMARY EXAMINER